

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 603

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HILGEMANN, BERKOWITZ, KELLY (27), LAWSON, HOSMER, COLEMAN, JOHNSON (61) (Co-sponsors), BRAY, LADD BAKER, SCHEVE, HARLAN, MONACO, SELBY, CAMPBELL, FARNEN, HOPPE, ABEL, OSTMANN, BARTELSMEYER, HOLLINGSWORTH, FRASER, CARNAHAN, HAGAN-HARRELL, SANDERS BROOKS, KENNEDY AND BOWMAN.

Read 1<sup>st</sup> time January 31, 2001, and 1000 copies ordered printed.

Read 2<sup>nd</sup> time February 1, 2001, and referred to the Committee on Social Services, Medicaid and the Elderly, February 15, 2001.

Reported from the Committee on Social Services, Medicaid and the Elderly, March 8, 2001, with recommendation that the bill Do Pass by Consent.

Perfected by Consent March 22, 2001.

TED WEDEL, Chief Clerk

0783L.02P

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## AN ACT

To repeal section 660.050, RSMo 2000, relating to the division of aging, and to enact in lieu thereof two new sections relating to the same subject.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 660.050, RSMo 2000, is repealed and two new sections enacted in lieu thereof, to be known as sections 9.160 and 660.050, to read as follows:

**9.160. The governor shall annually issue a proclamation setting apart the first Tuesday of March as "Alzheimer's Awareness Day", and recommending to the people of the state that the day be appropriately observed through activities which will increase awareness of Alzheimer's disease and related dementias.**

660.050. 1. The "Division of Aging" is hereby created and established as a division of the department of social services. The division shall aid and assist the elderly and low-income handicapped adults living in the state of Missouri to secure and maintain maximum economic and personal independence and dignity. The division shall regulate adult long-term care facilities [under] pursuant to the laws of this state and rules and regulations of federal and state agencies,

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

6 to safeguard the lives and rights of residents in these facilities.

7       2. In addition to its duties and responsibilities enumerated [under] **pursuant to** other  
8 provisions of law, the division shall:

9       (1) Serve as advocate for the elderly by promoting a comprehensive, coordinated service  
10 program through administration of Older Americans Act (OAA) programs (Title III) P.L. 89-73,  
11 (42 U.S.C. 3001, et seq.), as amended;

12       (2) Assure that an information and referral system is developed and operated for the  
13 elderly, including information on the Missouri care options program;

14       (3) Provide technical assistance, planning and training to local area agencies on aging;

15       (4) Contract with the federal government to conduct surveys of long-term care facilities  
16 certified for participation in the Title XVIII program;

17       (5) Serve as liaison between the department of social services and the Federal Health  
18 Standards and Quality Bureau, as well as the Medicare and Medicaid portions of the United  
19 States Department of Health and Human Services;

20       (6) Conduct medical review (inspections of care) activities such as utilization reviews,  
21 independent professional reviews, and periodic medical reviews to determine medical and social  
22 needs for the purpose of eligibility for Title XIX, and for level of care determination;

23       (7) Certify long-term care facilities for participation in the Title XIX program;

24       (8) Conduct a survey and review of compliance with P.L. 96-566 Sec. 505(d) for  
25 Supplemental Security Income recipients in long-term care facilities and serve as the liaison  
26 between the Social Security Administration and the department of social services concerning  
27 Supplemental Security Income beneficiaries;

28       (9) Review plans of proposed long-term care facilities before they are constructed to  
29 determine if they meet applicable state and federal construction standards;

30       (10) Provide consultation to long-term care facilities in all areas governed by state and  
31 federal regulations;

32       (11) Serve as the central state agency with primary responsibility for the planning,  
33 coordination, development, and evaluation of policy, programs, and services for elderly persons  
34 in Missouri consistent with the provisions of subsection 1 of this section and serve as the  
35 designated state unit on aging, as defined in the Older Americans Act of 1965;

36       (12) With the advice of the governor's advisory council on aging, develop long-range  
37 state plans for programs, services, and activities for elderly and handicapped persons. State plans  
38 should be revised annually and should be based on area agency on aging plans, statewide  
39 priorities, and state and federal requirements;

40       (13) Receive and disburse all federal and state funds allocated to the division and solicit,  
41 accept, and administer grants, including federal grants, or gifts made to the division or to the

42 state for the benefit of elderly persons in this state;

43 (14) Serve, within government and in the state at large, as an advocate for elderly  
44 persons by holding hearings and conducting studies or investigations concerning matters  
45 affecting the health, safety, and welfare of elderly persons and by assisting elderly persons to  
46 assure their rights to apply for and receive services and to be given fair hearings when such  
47 services are denied;

48 (15) Provide information and technical assistance to the governor's advisory council on  
49 aging and keep the council continually informed of the activities of the division;

50 (16) After consultation with the governor's advisory council on aging, make  
51 recommendations for legislative action to the governor and to the general assembly;

52 (17) Conduct research and other appropriate activities to determine the needs of elderly  
53 persons in this state, including, but not limited to, their needs for social and health services, and  
54 to determine what existing services and facilities, private and public, are available to elderly  
55 persons to meet those needs;

56 (18) Maintain [a clearinghouse for] **and provide up-to-date information and technical**  
57 **assistance** related to the needs and interests of elderly persons **and persons with Alzheimer's**  
58 **disease or related dementias**, including information on the Missouri care options program,  
59 **dementia-specific training materials and dementia-specific trainers. Such dementia-**  
60 **specific information and technical assistance shall be maintained and provided in**  
61 **consultation with agencies, organizations and/or institutions of higher learning with**  
62 **expertise in dementia care;**

63 (19) Provide area agencies on aging with assistance in applying for federal, state, and  
64 private grants and identifying new funding sources;

65 (20) Determine area agencies on aging annual allocations for Title XX and Title III of  
66 the Older Americans Act expenditures;

67 (21) Provide transportation services, home delivered and congregate meals, in-home  
68 services, counseling and other services to the elderly and low-income handicapped adults as  
69 designated in the Social Services Block Grant Report, through contract with other agencies, and  
70 shall monitor such agencies to ensure that services contracted for are delivered and meet  
71 standards of quality set by the division;

72 (22) Monitor the process pursuant to the federal Patient Self-determination Act, 42  
73 U.S.C. 1396a (w), in long-term care facilities by which information is provided to patients  
74 concerning durable powers of attorney and living wills.

75 3. The division director, subject to the supervision of the director of the department of  
76 social services, shall be the chief administrative officer of the division and shall exercise for the  
77 division the powers and duties of an appointing authority [under] **pursuant to** chapter 36,

78 RSMo, to employ such administrative, technical and other personnel as may be necessary for the  
79 performance of the duties and responsibilities of the division.

80 4. The division may withdraw designation of an area agency on aging only when it can  
81 be shown the federal or state laws or rules have not been complied with, state or federal funds  
82 are not being expended for the purposes for which they were intended, or the elderly are not  
83 receiving appropriate services within available resources, and after consultation with the director  
84 of the area agency on aging and the area agency board. Withdrawal of any particular program of  
85 services may be appealed to the director of the department of social services and the governor.  
86 In the event that the division withdraws the area agency on aging designation in accordance with  
87 the Older Americans Act, the division shall administer the services to clients previously  
88 performed by the area agency on aging until a new area agency on aging is designated.

89 5. Any person hired by the department of social services after August 13, 1988, to  
90 conduct or supervise inspections, surveys or investigations pursuant to chapter 198, RSMo, shall  
91 complete at least one hundred hours of basic orientation regarding the inspection process and  
92 applicable rules and statutes during the first six months of employment. Any such person shall  
93 annually, on the anniversary date of employment, present to the department evidence of having  
94 completed at least twenty hours of continuing education in at least two of the following  
95 categories: communication techniques, skills development, resident care, or policy update. The  
96 department of social services shall by rule describe the curriculum and structure of such  
97 continuing education.

98 6. The division may issue and promulgate rules to enforce, implement and effectuate the  
99 powers and duties established in sections 198.070 and 198.090, RSMo, and sections 660.050,  
100 660.250 and 660.300 to 660.320. No rule or portion of a rule promulgated under the authority  
101 of this chapter and sections 198.070 and 198.090, RSMo, shall become effective unless it has  
102 been promulgated pursuant to the provisions of section 536.024, RSMo.

103 7. Missouri care options is a program, operated and coordinated by the division of aging,  
104 which informs individuals of the variety of care options available to them when they may need  
105 long-term care.

106 **8. The division shall, by January 1, 2002, establish minimum dementia-specific**  
107 **training requirements for employees involved in the delivery of care to persons with**  
108 **Alzheimer's disease or related dementias who are employed by skilled nursing facilities,**  
109 **intermediate care facilities, residential care facilities, agencies providing in-home care**  
110 **services, adult daycare programs, independent contractors providing direct care to persons**  
111 **with Alzheimer's disease or related dementias, hospice programs and the division of aging.**  
112 **Such training shall be incorporated into new employee orientation and on-going in-service**  
113 **curricula for all employees involved in the care of persons with dementia, including, at a**

114 **minimum, the following:**

115 **(1) For employees providing direct care to persons with Alzheimer's disease or**  
116 **related dementias, the training shall include an overview of Alzheimer's disease and related**  
117 **dementias, communicating with persons with dementia, behavior management, promoting**  
118 **independence in activities of daily living, and understanding and dealing with family**  
119 **issues;**

120 **(2) For other employees who do not provide direct care for, but may have contact**  
121 **with, persons with Alzheimer's disease or related dementias, the training shall include an**  
122 **overview of dementias and communicating with persons with dementia.**

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124 **As used in this subsection, the term "employee" includes persons hired as independent**  
125 **contractors. The training requirements of this subsection shall not be construed as**  
126 **superceding any other laws or rules regarding dementia-specific training.**